

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 5, 1976  
10:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor Friedman presiding.

Roll Call:

Present: Councilmembers Himmelblau, Hofmann, Lebermann,  
Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Absent: None

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes of the July 29, 1976, meeting. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Councilmembers Himmelblau, Hofmann,  
Lebermann, Trevino

Noes: None

Abstain: Councilmember Linn, Mayor Pro Tem Snell

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session earlier to discuss the Building Inspection Department, but no action was taken by the Council. Also in the Executive Session, the Council considered appointments to the Electrical Board which were now before the Council for action.

Electrical Board

Mayor Pro Tem Snell moved that the Council appoint the following to the Electrical Board to fill three expired terms:

Don Parker  
Vernon Fowler  
H. W. Zuch

The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau,  
Hofmann, Lebermann, Linn, Trevino, Mayor Friedman  
Noes: None

#### EAST AUSTIN TOWN MEETING '76 DAY

Mayor Friedman read and then presented a proclamation to Mr. Clifton Griffin, Coordinator for East Austin Town Meeting '76 Day, proclaiming August 7, 1976, as "East Austin Town Meeting '76 Day" and urged all concerned residents of the East Austin community, as vital members of our City's economy, to foster a spirit of commitment to realize those ideals and ambitions resultant of Town Meeting '76 in a real celebration of America's neighborhoods.

Mr. Griffin thanked the Council for the proclamation on behalf of the Steering Committee of the East Austin Town Meeting. He noted that the Town Meeting was scheduled for August 7, 1976, at the Rosewood-Zaragosa Center, 2800 Webberville Road, and invited all of the Council to attend the program. Mr. Griffin hoped that the Town Meeting would result in more unity, cooperation and spirit in the East Austin area; that people will be motivated to decide that there are some things that can be done for oneself without Federal or City money. If however, some of the proposals written do require money from these levels, Mr. Griffin hoped that the City would consider any requests. He stated that at the conclusion of the Town Meeting a printed document would be available and hoped to present copies of the document to the Council sometime in the future.

#### HONORARY CITIZENSHIP AWARD

Mayor Friedman took this opportunity to present an Honorary Citizenship Award to Mr. G. B. Dutia, a Councilmember from Bombay, India. Mr. Dutia accepted the award and thanked the Council for this recognition. He invited all of the Council to visit the Council meeting in Bombay, if they are ever in his country.

#### CERTIFICATES OF COMMENDATION

Mayor Pro Tem Snell asked the following people to please come forward to the podium:

Mr. Dan Davidson, City Manager  
Mrs. Charles A. Duffy  
Mr. Lee Emory  
Mrs. Dianne Harris  
Pecan Street Association  
Mr. and Mrs. S. M. Purcell  
Mr. and Mrs. Frank W. McBee, Jr.  
United Fund of Austin (Accepted by Councilmember Lebermann)

Mayor Pro Tem Snell noted that these individuals are owners or represent the owners of structures in our City which were recommended for Historic Zoning by the Historic Landmark Commission and were designated by the Council. He commented that the willingness of these persons to preserve these structures, which represent the heritage of Austin, and examples of our past, provides the opportunity for all of us to share in the beauty and pride which have made our City great.

On behalf of the Landmark Commission, the City Council and the citizens of Austin, Mayor Pro Tem Snell extended sincere appreciation for the consideration all the aforementioned persons have provided. He then presented the Certificates. Deputy City Manager Homer Reed accepted the Certificate for Mr. Dan Davidson and stated that he was pleased to accept the Certificate on behalf of Mr. Davidson, the Council and the citizens of Austin. Mr. S. M. Purcell stated that he discovered Austin in 1890, and it was a privilege to receive this honor from the City Council.

#### ZONING HEARINGS

Mayor Friedman announced that the Council would hear the zoning cases scheduled for 10:00 a.m. for public hearing at this time. Pursuant to published notice thereof, the following zoning cases were publicly heard:

THE AUSTIN NATIONAL    105 West 20th Street  
BANK, TRUSTEE  
By Don L. Baker  
C14-76-051

From "O" Office  
2nd Height and Area  
To "GR" General Retail  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Mr. Dick Lillie, Director of Planning, reviewed the zoning case which is located in the University of Texas area, and noted that at the two Planning Commission meetings there were no objections. The Planning Commission and staff recommended that the request be granted. (Applicant present)

Councilmember Linn moved that the Council grant "GR" General Retail, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino,  
Mayor Pro Tem Snell

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

The Mayor announced that the change had been granted to "GR" General Retail, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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STALONG COMPANY  
By Charles Simon  
C14-76-056

4535 East M. L. King  
Boulevard, also bounded  
by Springdale Road

From "LR" Local Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Mr. Lillie stated that this zoning change would permit the sale of beer and wine in an existing service station. This type of zoning has been established in the convenience center two lots west of subject lot. The Planning Commission and staff recommended that the request be granted. (Applicant present)

Councilmember Linn moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,  
Mayor Pro Tem Snell, Councilmember Himmelblau

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CALHOUN-SMITH  
DISTRIBUTION COMPANY,  
INCORPORATED  
By Charles Simon  
C14-76-057

1601 East St. Elmo  
Road, also bounded by  
Interstate Highway 35

From Interim "A" Residence  
1st Height and Area  
To "GR" General Retail and  
"C" Commercial  
1st Height and Area  
RECOMMENDED "S" for the  
building and "GR" General  
Retail for the remainder of the  
tract, as amended, by the  
Planning Commission

Mr. Lillie commented that this zoning change, if granted, would permit the sale of beer and wine in an existing service station. The staff felt that the appropriate zoning for the area south of St. Elmo Road is the "GR" General Retail District.

Councilmember Linn moved that the Council grant "C" Commercial, 1st Height and Area District for the building and "GR" General Retail, 1st Height and Area District for the remainder of the tract, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District for the building and "GR" General Retail, 1st Height and Area District for the remainder of the tract, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

MARY BEATRICE HILL, ET AL By Price R. Ashton C14-76-058	11158-11512 U. S. Highway 183 11011-11205 Old Burnet Road	From Interim "AA" Residence 1st Height and Area To "GR" General Retail, "C" Commercial, "O" Office and "A" Residence 1st Height and Area
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RECOMMENDED by the Planning Commission ~~"A" Residence~~ on the western 150 feet adjacent to Old Burnet Road, two 40' strips of "O" Office through the "A" spaced a minimum of 1,000 feet apart, 1.4 acres of "C" Commercial placed a minimum of 100 feet away from the north and south property lines, and from the recommended "A" Residence on the west, and a minimum of 50 feet away from U.S. 183 on the east, and "GR" General Retail on the remainder of the site, as amended.

Mr. Lillie reviewed the location of this zoning request and noted that it was located in a recently annexed area. He stated that the area located to the east of Highway 183 in the "GR" General Retail zoning falls within the Mesa Park and Balcones Woods subdivisions. This site is located across from this, and the staff felt that the zoning for "GR" General Retail was appropriate. The main concern was for the frontage on Old Highway 183 which is still predominately undeveloped, and the City should try and encourage residential on that older street; and that "C" Commercial development be encouraged along the new Highway 183. These recommendations are directed along these lines. Mr. Lillie stated that the applicant is in agreement with the recommendations. (Applicant present)

Councilmember Linn moved that the Council grant "A" Residence on the western 150 feet adjacent to Old Burnet Road, two 40-foot strips of "O" Office through the "A" spaced a minimum of 1,000 feet apart, 1.4 acres of "C" Commercial placed a minimum of 100 feet away from the north and south property lines, and from the recommended "A" Residence on the west, and a minimum of 50 feet away from U. S. 183 on the east, and "GR" General Retail on the remainder of the site, as amended, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None  
Not in Council Chamber when roll was called: Mayor Friedman

The Mayor announced that the change had been granted to "A" Residence on the western 150 feet adjacent to Old Burnet Road, two 40-foot strips of "O" Office through the "A" Residence spaced a minimum of 1,000 feet apart, 1.4 acres of "C" Commercial placed a minimum of 100 feet away from the north and south property lines, and from the recommended "A" Residence on the west, and a minimum of 50 feet away from U. S. 183 on the east, and "GR" General Retail on the remainder of the site, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN  
By Planning  
Department  
C14-76-059

4415-5507 Burleson  
Road, also bounded by  
Todd Lane

From Interim "AA" Residence  
1st Height and Area  
To "D" Industrial and  
"A" Residence  
1st Height and Area  
(as amended)  
RECOMMENDED by the Planning  
Commission "D" Industrial and  
"A" Residence subject to 15  
feet of right-of-way on Todd  
Lane

Mr. Lillie stated that this request was filed by the City and was part of a recent annexed area in southeast Austin and is located within an Industrial District. The staff recommendation is that the Industrial be granted subject to a 50-foot strip of "A" Residence along the south border to achieve better separation of the proposed industrial uses and the low-density neighborhood. Mr. Lillie commented that he had spoken with Mr. Ken Johnson, President of the Industrial Park, and Mr. Johnson stated he was in agreement with the conditions.

Councilmember Linn moved that the Council grant "D" Industrial subject to a 50-foot strip of "A" along the south border, subject to 15 feet of right-of-way on Todd Lane, as recommended by the Planning Commission and the staff. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann,  
Lebermann, Linn, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

The Mayor Pro Tem announced that the change had been granted to "D" Industrial subject to a 50-foot strip of "A" along the south border, and subject to 15 feet of right-of-way on Todd Lane, and the City Attorney was instructed to draw the necessary ordinance to cover.

STALONG COMPANY  
By Charles Simon  
C14-76-055

2250 East Ben White  
Boulevard, also bounded  
by Catalina Drive

From "GR" General Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended "C" (Tract 2)  
RECOMMENDED "C" Commercial  
(Tract 1) by Planning Commission

In reviewing the area, Mr. Lillie stated that the zoning change would permit the sale of beer and wine in the existing gas station structure. The staff felt that this type of zoning is very similar to the commonly recommended "C-1" Commercial requests for liquor stores in business areas. (Applicant present)

Councilmember Linn moved that the Council grant "C" Commercial, 1st Height and Area on Tract 1 only, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau,  
Hofmann, Lebermann, Linn, Trevino

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

The Mayor Pro Tem announced that the change had been granted to "C" Commercial, 1st Height and Area District on Tract 1 only, and the City Attorney was instructed to draw the necessary ordinance to cover.

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DICK NICHOLS  
By Elbert Hooper  
C14-76-052

4701-4717 Westgate  
Boulevard, also bounded  
by Western Trails  
Boulevard

From "BB" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
(as amended)  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "A" Residence, 1st  
Height and Area along the  
southern 15 feet and "O" Office,  
1st Height and Area on the  
remainder, subject to a  
restrictive covenant limiting  
apartment density to that  
permitted by "BB" Residence,  
1st Height and Area

Mr. Lillie stated that the applicant has accepted the recommendation by the Planning Commission. The zoning that was granted by the Council several years ago provided for a strip of "BB" Residence zoning between the "C" Commercial zoning and the shopping center, and the "A" Residence zoning on the adjoining property. The Council has rezoned a portion of the "BB" Residence area for an office, and this zoning is a request to do similar rezoning on the corner property and leaving a strip of "A" Residence along 15 feet adjacent to the duplexes built on the adjoining street. Mr. Lillie noted that the applicant is also in agreement with the covenant requirement which states that if apartments are built in the "O" Office, they would be limited to "BB" Residence zoning. The Planning Commission and Council recommended that same density restriction on the "O" Office.

Councilmember Linn asked if the "O" Office would be the only non-residential zoning in this area of the neighborhood, and Mr. Lillie responded that this was the second request for "O" Office.

In response to Councilmember Lebermann's question, Mr. Lillie stated that the staff recommended that the "LR" Local Retail not be granted, which was the original request. Since then, the applicant amended this to "O" Office with the strip of "A" Residence and this is consistent with the Planning Commission and Council action in the past.

MR. RAY CHAMBERS appeared in opposition to the zoning request and commented that his mother-in-law owned property to the right of the area on Sagebrush Trail. He noted that the three lots located on the west end of Sagebrush Trail are owner occupied duplexes and would prefer a residential development rather than commercial development. Mr. Chambers stated that it was his understanding that the proposed development would be a 60-foot office building and he was opposed to this. Mr. Lillie pointed out that since this was limited to 1st Height and Area, the height could not exceed 35-feet, which is a three-story building.

In response to Councilmember Linn's question, Mr. Lillie commented that the number of uses permitted in "C" Commercial are very wide-spread. Rather than put "A" Residence zoning and uses across the street, it is much better to build in some type of restrictive zoning between the "A" Residence and the intensive uses. Mr. Lillie felt that in cases where "C" Commercial is granted and "A" Residence is across the street, then there should be something in the ordinance that requires a landscaping buffer within the "C" Commercial.

In response to Councilmember Hofmann's question as to whether the applicant would agree to building a two-story building, MR. DICK NICHOLS, the applicant, stated that at the present time 30 units of apartments are permitted on this corner. He felt it would be much better if an office was built and he had no intention of building a three-story building at this time. He assured the Council that he would do nothing to harm the neighborhood. He felt he should not be limited to two stories.

Mr. Lillie responded to Councilmember Lebermann's question by stating that this zoning request would provide and continue to provide the buffer that was the original intent of the Planning Commission and the Council.

Councilmember Lebermann moved that the Council grant "A" Residence, 1st Height and Area along the southern 15 feet and "O" Office, 1st Height and Area District on the remainder, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Trevino,  
Mayor Pro Tem Snell  
Noes: Councilmember Linn  
Not in Council Chamber when roll was called: Mayor Friedman

The Mayor Pro Tem announced that the changed had been granted to "A" Residence, 1st Height and Area along the southern 15 feet and "O" Office, 1st Height and Area District on the remainder, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN COUNTRY  
CLUB ESTATES  
By Jeryl D. Hart  
C814-76-004

5200 East Riverside  
Drive

From Interim "A" Residence  
1st Height and Area  
To a 96-unit single-family  
Planned Unit Development with  
common open space called,  
"THE CROSSING GARDENHOMES",  
RECOMMENDED by the Planning  
Commission, subject to ordinance  
requirements and departmental  
recommendations on file with  
the City of Austin Planning  
Department.

Mr. Lillie distributed copies of the site plan for the Council's consideration. He noted that this project consisted of 20.7 acres of land on which 96 units of single-family residences. Of the 20.7 acres, 12.09 is left in common, private open space and 41% is impervious cover. The application has been reviewed by the Planning Commission and the Environmental Board and they recommended that it be approved subject to departmental requirements and recommendations that were included in the Agenda packets.

In response to Councilmember Himmelblau's question as to any objections from residents living on Penick Drive, Mr. Lillie commented that none of the property owners were present at either of the Planning Commission meetings, but they were notified.

In response to Councilmember Hofmann's question, Dr. Maureen McReynolds, Director of Environmental Resource Management, stated that the applicant had agreed with the recommendations and suggestions of the Environmental Board. Councilmember Himmelblau stated that their only concern was the development adjacent to the Country Club.

MR. JON WASHAM, Project Manager for the development, commented that he has provided a buffer between Riverside Drive and the proposed units. He stated he had contacted the residents in the area and found no opposition.

Councilmember Himmelblau moved that the Council grant a Planned Unit Development, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Lebermann, Trevino, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann  
Noes: Councilmember Linn  
Not in Council Chamber when roll was called: Mayor Friedman

The Mayor Pro Tem announced that the change had been granted to a Planned Unit Development, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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## ZONINGS POSTPONED

The following zoning cases were postponed:

<p>EMERALD T. WRAY, ET AL By Robert L. Davis C14-76-050</p>	<p>4603-4609 North Inter- state 35 1100 Bentwood Road</p>	<p>From "A" Residence 1st Height and Area To "O" Office 6th Height and Area (as amended) RECOMMENDED by the Planning Commission "O" Office, 6th Height and Area subject to 14 feet of "A" Residence at the rear of the property where adjacent to "A" Residence use and a restrictive covenant providing for no commercial access from Bentwood Road.</p>
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Councilmember Trevino noted that the Council had received a letter from Mr. Keith Kisner, which stated the following:

"I represent a group of homeowners in the Delwood Subdivision of the City of Austin, Texas, who are in opposition to the proposed zoning change submitted by Mr. Emerald T. Wray, et al, concerning 4603-4609 Interstate Highway 35, Austin, Texas. Because of a recent heavy Court schedule, I have been unable to meet with all the group members which I represent in regard to this matter. Further, several of the homeowners, because of the summer vacation period, have been out of town. I would therefore ask, that the proposed hearing, scheduled for Thursday, August 5th, be rescheduled for August 12th, which would be more than adequate time to meet with the remainder of the homeowners in opposition to the proposed zoning change."

Councilmember Trevino moved that the Council postpone consideration of this zoning request until August 12, 1976. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn

Noes: None

Not in Council Chamber when roll was called: Mayor Friedman

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<p>AMPCO CORPORATION By Randell W. Livingston, Jr. C14-76-053</p>	<p>1100 South Interstate Highway 35, also bounded by East Riverside Drive</p>	<p>From "O" Office 5th Height and Area To "LR" Local Retail 5th Height and Area NOT Recommended by the Planning Commission</p>
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Mr. Lillie stated that all of the other corners at this intersection are zoned "O" Office and within the past several years, the property to the south has been zoned "LR" Local Retail by the Council. There is an existing service

station on the site zoned "O" Office and is in violation of the Ordinance, and this is a request to bring the zoning in conformance with the use. The staff and the Planning Commission felt that the "O" Office is still the appropriate zoning and recommended that the request be denied. It is possible for this applicant to obtain a Special Permit to include local retail uses in this "O" Office District.

MR. RANDELL LIVINGSTON, JR., representing the applicant, stated that in an effort to bring the use of the property in conformity with the proper zoning laws, he has processed this zoning change. Mr. Livingston noted that he had already filed and requested a Special Permit and the Planning Commission met and recommended to approve the Special Permit subject to the resubmittal of a site plan. He requested that the Council defer any action on this case for 30 days so he could work on the site plan and completion of the Special Permit.

Councilmember Himmelblau moved that the Council postpone consideration of this zoning request until September 2, 1976. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino, Mayor  
Pro Tem Snell, Councilmember Himmelblau  
Noes: None  
Not in Council Chamber when roll was called: Mayor Friedman

#### PUBLIC HEARING ON THE RECOMMENDATIONS OF THE APPROACH MAIN COMMITTEE

Mayor Friedman opened the public hearing scheduled for 11:00 a.m. to consider the recommendations of the Approach Main Committee. MR. DON WALDEN, a member of the Joint Approach Main Committee, presented the proposed Approach Main Policy for the City of Austin. Mr. Walden noted that since the Council had received the Policy, there had been additional changes made to the Policy which have already been incorporated in the Approach Main Policy received by the Council today.

In reviewing the Policy, Mr. Walden noted that it contained two major portions, which are (1) A Growth Management Portion and (2) A Fiscal Portion. He stated that Approach Mains mainly serve subdivisions and Planned Unit Developments, but this Policy will also cover any extension of a water and wastewater line or the associated facilities that is not provided for in the Capital Improvements Program Project. It also addresses itself to industrial, commercial, apartment and other kinds of land uses. If an Approach Main is requested for a development, other than a subdivision, the request for service would go to the Director of Environmental Resource Management Department and the Director of Water and Wastewater. The Director of Water and Wastewater will determine whether or not an Approach Main is required; what is the capacity to serve the area; the number of living unit equivalents; and the size and route of the line. There would be an interaction between the Water and Wastewater Department and the Environmental Resource Management Department, which would request that the applicant fill out an environmental questionnaire. If no further information beyond the environmental questionnaire is required, then the request would go to the Planning Commission for review and recommendation and on to the Council for action. If the request is approved, it would go back to the City departments for final approval of the details, engineering and design.

If more information is required based on the environmental questionnaire, depending upon the magnitude of the impact, there will be either an environmental assessment or environmental impact statement filed. If an environmental statement is filed, this is prepared prior to the application from the Planning Commission. The impact statement is filed and reviewed by the Environmental Resource Management Department and/or the Board. This review and recommendations then go to the Planning Commission for their action and then on to the Council. If the impacts are significant but not overriding, then an environmental assessment would be filed along with the engineering report which describes the design details of the project. Mr. Walden pointed out that there was no need for the environmental assessment to go through the Planning Commission or the Council, because the assessment is a function which controls the direct impact of the project.

Most of the Approach Mains will probably be for new subdivisions and Planned Unit Developments. Mr. Walden stated that the main objective of this Policy was to try and control Approach Mains consistent with the goals of Austin and also minimize the red tape an applicant has to go through. When a subdivision is filed by an applicant, two things should happen:

1. An environmental questionnaire is completed for the Environmental Resource Management Office.
2. The Water and Wastewater Director will determine whether the Approach Main is required, and if so, does the utility system have the capacity to serve the development; what are the number of living unit equivalents; what is the size of the Approach Main; and what is the route.

Then the request is forwarded to the Planning Commission with the preliminary subdivision file and on to the Council.

In response to Councilmember Himmelblau's question, Mr. Walden commented that the Committee felt that any extension of a water or wastewater line or any associated facilities that are added to or built into the utility system should go through this procedure, if they are not in the CIP Program.

Mr. Walden suggested that the Council approve the principles of this Policy and request that the Legal Department come back to the Council with the Policy in the proper language.

In response to Councilmember Hofmann's question, Mr. Walden stated that the Policy was voted on and passed by a unanimous vote. He noted that all of the concepts and the processes involved in the report that the Council had today were agreed upon by the original membership of the Committee.

Since the wqwk session, Mr. Walden noted some of the changes that had been made in the Policy:

1. In Section B under "Location of Approach Mains," Mr. Walden stated that if the Approach Main is granted and the subdivision is going to be approved, then also in the process the Council should instruct the staff to proceed with annexation.

2. Item 7 listed under "Prior Approval" has been reworded for clearer understanding.
3. On the issue of subsequent users reimbursing the City for the cost of the oversize lines, if the City has been reimbursed for the cost of the oversize lines within a period of time greater than 5 years, then the City should reimburse the original applicant in a period of time of less than 5 years.

Councilmember Himmelblau expressed that she had not had time to read the new format and would like some time to do so.

Mr. Walden suggested that the Council consider processing Approach Main requests, based on whatever action is taken, under the guidelines of this Policy.

Councilmember Hofmann extended her thanks to the Joint Approach Main Committee for their work on developing this Policy. Mayor Friedman asked Dr. Maureen McReynolds, Director of Environmental Resource Management and Mr. Dick Lillie, Director of Planning if they were in agreement with this proposed Policy, and they stated their agreement with the Policy.

WOODROW SLEDGE, representing the Austin Independent School District, commented that the City is very fortunate to have people that will perform this type of work of preparing this Policy.

Councilmember Hofmann moved that the public hearing be closed and that the Council adopt the proposed Approach Main Policy and that the Legal Department come back to the Council with the proper wording of the Policy. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Councilmembers Himmelblau, Hofmann, Lebermann, Mayor Pro Tem Snell  
Noes: None

Mayor Friedman pointed out that procedures would be implemented to start processing requests for Approach Mains under the guidelines of this report. Mr. Walden expressed his thanks for the help of all of the City departments that had been involved with the creation of this Policy. Mayor Friedman also stated that there would be no formal hearing on the wording change but will be presented to the Council for clarification. The new Approach Main Policy is now effective.

#### RELEASE OF EASEMENTS

Councilmember Linn moved that the Council adopt a resolution authorizing the release of the following easement:

The seven and one-half (7.50) foot Electric and Telephone Easement along the Northwest line of Lot A, Central Insurance Addition, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. James A. Raper, representing Central Insurance Agency, Inc., owners of Lot A)

The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem  
Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

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Councilmember Linn moved that the Council adopt a resolution authorizing the release of the following easement:

A portion of a Sanitary Sewer Easement in Lot 4, Block K, Meadowcreek Section One, also known as 7600 Lunar Drive. (Requested by Mr. Jasper R. Swofford, owner of Lot 4, Block K) (subject to release of liability)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Himmelblau

In response to Councilmember Linn's question concerning a portion of the house extending over the easement, Mr. Reuben Rountree, Director of Public Works, stated this property was not in the City at the time this house was constructed, and the property was not annexed until later this summer. Mr. Rountree noted that the City does have the \$1,000 which is the difference in cost that is required for the relocation of the main and it has been received from the owner of the property.

Mr. Rountree noted that there was no record of a building permit, but that there is a Certificate of Occupancy on the house. In response to Mayor Friedman's question as to the City being liable for any repairs to the house, City Attorney Don Wolf stated that if someone encroaches over an easement, they would be liable for any damage.

Mayor Friedman stated that his concern was that the City would be released from any liability and felt that any releases of this type in the future should be accompanied by a release of liability with or without a deposit which may be required.

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Councilmember Linn moved that the Council adopt a resolution authorizing the release of the following easement:

A portion of the Electric and Telephone Easement five (5.00) feet in width in Lot 9, Woods Knoll Addition, a subdivision in the City of Austin, Travis County, Texas, also known as 3002 Maywood Circle. (Requested by Mr. Randolph G. Mueller, owner of Lot 9, Woods Knoll Addition)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

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Councilmember Linn moved that the Council adopt a resolution authorizing the release of the following easement:

A portion of the north seven and one-half (7.50) feet of the east forty (40.00) feet of a Public Utility Easement in Lot 10, Block F, Northwest Terrace Section Three, also known as 8607 Melshire Drive. (Requested by Mr. John Coats and Mrs. Judy Coats, owners of Lot 10, Block F)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Hofmann, Lebermann, Linn, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

#### CHANGE ORDER FOR DECKER UNIT NO. 2

Councilmember Trevino moved that the Council adopt a resolution approving a Change Order to BROWN & ROOT, INC., general construction for Decker Unit No. 2 in the amount of \$51,227.81. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann,  
Linn, Trevino, Mayor Friedman

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

#### CHANGE ORDER FOR ELEVATOR IN THE CENTRAL LIBRARY

Deputy City Manager Homer Reed noted that the staff recommended that no action be taken to approve a Change Order to ROYCE FAULKNER CONSTRUCTION COMPANY for the elevator in the Central Library.

#### CHANGE ORDER FOR ADDITIONAL WATER SERVICES IN ST. JOHN'S AREA REDEVELOPMENT PHASE II

Councilmember Linn moved that the Council adopt a resolution approving a Change Order for additional water services in St. John's Area Redevelopment Phase II, to SCHMIDT CONSTRUCTION COMPANY, INC., in the amount of \$15,063.95. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Hofmann, Lebermann, Linn, Trevino,  
Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

CONTRACT WITH URBAN RENEWAL AGENCY FOR COMPLETION OF URBAN RENEWAL  
PROJECTS IN BRACKENRIDGE, BLACKSHEAR AND GLEN OAKS

Councilmember Linn moved that the Council adopt a resolution authorizing a contract between the Urban Renewal Agency and the City of Austin to continue working toward the completion of Urban Renewal Projects in Brackenridge, Blackshear and Glen Oaks, and to continue administering the Housing Rehabilitation Program through the next Housing and Community Development year. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann

Noes: None

CONTRACTS AWARDED

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

DELTA MACHINE COMPANY  
900 Levee  
Brownsville, Texas

- Impeller, Impeller Ring and Front  
Head Ring for Fairbanks Morse Pump  
at Shoal Creek Lift Station.  
1 ea. Impeller @ \$4,456.00  
1 ea. Impeller Ring @ \$774.00  
1 ea. Front Head Ring @ \$494.00  
Total - \$5,724.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann

Noes: None

Councilmember Linn moved that the Council adopt a resolution awarding the following contract:

CENTRAL DISTRIBUTING COMPANY  
1201 East Houston Street  
San Antonio, Texas

- Classroom Furniture, Police  
Department.  
Item 1 - \$11,737.60

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann

Noes: None

The following contract award with WITHDRAWN: (Will be resubmitted on August 19)

JACK BROWN'S FABRIC CARE  
SERVICE  
615 Martin Luther King, Jr.,  
Boulevard  
Austin, Texas

- Laundry Service for Brackenridge  
Hospital  
Three Year Service Agreement, includ-  
ing extensions for up to two additional  
one-year periods.  
Item No. 1 estimated 2,250,000 lbs.  
@ \$0.128/lb.  
Item No. 2 estimated 20,000 pc. @  
\$0.68/ea.  
Estimated grand total of  
\$301,600.00 for first year.

#### AGREEMENT OF AMENDMENT TO GAS PURCHASE CONTRACT

Councilmember Linn moved that the Council adopt a resolution for authorization to execute an Agreement of Amendment to the Gas Purchase Contract with Tenngasco, Inc. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

#### GRANTS TO STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Councilmember Trevino moved that the Council adopt a resolution for authorization to make application for two grants to the State Department of Highways and Public Transportation, Office of Traffic Safety, (Grant #1 - \$5,385; Grant #2 - \$8,110) to send one Officer to Northwestern University to attend a nine-month course of instruction in Traffic Police Administration. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Linn, Trevino  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Lebermann

#### ESTABLISHING ONE-WAY ALLEY

The Council had before it the establishing of the following one-way alley:

<u>ON</u>	<u>FROM</u>	<u>TO</u>	<u>DIRECTION</u>
Alley between West 10th and 11th Street	Guadalupe	Lavaca	Eastbound

The Mayor introduced the following ordinance:

AN ORDINANCE DESIGNATING THE DIRECTION IN WHICH TRAFFIC SHALL MOVE IN THE ALLEYWAY BETWEEN WEST 10TH STREET AND WEST 11TH STREET FROM GUADALUPE STREET TO LAVACA STREET, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilmember Linn expressed concern as to which City departments had studied this to determine whether or not it is best to have a two-way alley or a one-way alley. Deputy City Manager Homer Reed noted that it had been studied by the Urban Transportation Department and was recommended.

#### ACCEPTANCE OF GRANT AWARD FOR PROJECT "POLICE ACADEMY"

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acceptance of a grant award from the Texas Criminal Justice Division for the Project entitled "Police Academy," in the amount of \$118,599, Texas Criminal Justice Division support. (Period: July 1, 1976, through June 30, 1977) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

Police Chief Frank Dyson reviewed this project with the Council and noted that this grant being considered was one of two that had been delayed due to the failure of the Police Department to comply with some guidelines from the Civil Rights Compliance Division. This has been corrected and the grants have been awarded to the Police Department, one for equipment and one for the training director. Chief Dyson pointed out that this was an additional step in upgrading the police training program in the Austin Police Department and looked forward to this being the finest program in Texas.

Mayor Friedman stated that the funds were delayed because of some statistics that were several months out of date, but with the help of Chief Dyson, the figures have improved to enable the Police Department to receive these funds.

## ACCEPTANCE OF GRANT AWARD FOR PROJECT "POLICE ACADEMY DIRECTOR"

Councilmember Lebermann moved that the Council adopt a resolution authorizing the acceptance of a grant award from the Texas Criminal Justice Division for the project entitled "Police Academy Director," in the amount of \$30,068, Texas Criminal Justice Division support. (Period: July 1, 1976 - June 30, 1977) The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn,  
Trevino, Mayor Friedman, Mayor Pro Tem Snell  
Noes: None

## RELOCATION OF TWO MHR FACILITIES

The Council had before it for consideration approving the relocation of two Mental Health-Mental Retardation facilities. MR. KIRK APELT, Assistant Director of Planning and Evaluation in the Human Resources Department, commented that a new building is anticipated at the Collier site and the funding for the project will be obtained from a variety of sources.

MR. RALPH SCHEER, Director of Adult Mental Retardation Services, stated that the two facilities being considered for relocation are the Darrell Royal Workshop and the Adult Activity Center. Mr. Scheer stated that both of these facilities are inadequate and have been for several years. He noted that this inadequacy involved such factors as safety, architectural barriers, and in programming. The new facility will be located across the street from the present Collier Street location and will serve approximately 120 clients. Councilmember Linn expressed concern about moving the Darrell Royal Workshop since it is convenient for people to get there by way of bus. Mr. Scheer felt that with the proper training the clients could reach the new center without difficulty.

In referring to the funds for the program, Mr. Scheer commented that the Center has accumulated a surplus of funds from Title 20 which will serve as the backbone for the funding of the proposed building. This amount of surplus is about \$70,000.

In response to Councilmember Linn's question concerning the possibility of locating the Darrell Royal Workshop in a building downtown, Mr. Scheer noted that this has been investigated; however, there are no buildings that the Center can afford. In the area of leasing downtown, Mr. Scheer noted that this has not been looked at. Councilmember Linn stated that her main concern about this matter was in connection with the clients having to transfer buses in order to reach the facility.

Councilmember Himmelblau asked if the Commissioner's Court had been consulted regarding this, and Mr. Scheer stated that it was his understanding that the City would be the first body to contact regarding this matter. Councilmember Himmelblau stated that she preferred not to vote on this today since she did not feel well enough informed.

Councilmember Linn stated that she would like someone to investigate the possibility of leasing an area similar to the location of the present Darrell Royal Workshop. Councilmember Lebermann felt that Mr. Joe Morahan, Director of Property Management, was attempting to do this.

In response to Councilmember Hofmann's question concerning the West Elizabeth facility, Mr. Scheer noted that the clients do reach this facility by transferring buses and seem to do so without any difficulty; however, this facility does not meet certain standards for safety, and a great deal of modification would have to be accomplished in order to continue using the facility. Councilmember Linn asked that the Council be furnished with the estimate of how much the modification to the facility would cost. Mr. Scheer stated that this would be provided.

Mr. Scheer addressed himself to Councilmember Treviño's questions and noted that the cost of the new facility would be approximately \$500,000 including the land and building. He hoped to obtain a loan for construction of the building and use the surplus money for purchase of the land. Mr. Scheer felt it would be less expensive to build than to lease a building.

Councilmember Treviño expressed concern whether City money would be used for the construction of the facility or for the clients. Mr. Scheer commented that the facility would be purchased by using the land as collateral. Mayor Friedman wondered why the \$70,000 in surplus was not used to service the clients, and Mr. Scheer responded by stating that there is a space limitation involved as well as a waiting list for both programs.

Councilmember Linn felt that the building should be built where it would be most convenient to serve the clients which would be in a location where they would not have to transfer buses.

Mayor Friedman suggested that any action regarding approving relocation of the two MHMR facilities be postponed until review of the MHMR budget. Councilmember Linn requested that Mr. Joe Morahan investigate the possibility of using property downtown for the location of the facility.

Mayor Friedman announced that the Council would meet in an Executive Session at 2:00 p.m. and would resume the council meeting shortly thereafter.

AFTERNOON SESSION  
2:30 P.M.

Mayor Friedman called the afternoon meeting to order.

EXECUTIVE SESSION ACTION

Mayor Friedman announced that the Council had met in an Executive Session prior to the afternoon session and discussed certain matters pertaining to the Municipal Court. The Council considered appointing Associate Judge Sarah Denton as the new Presiding Judge of the Municipal Court.

Councilmember Lebermann moved that the Council appoint Sarah Denton as the new Presiding Judge of Municipal Court. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann  
Noes: None

Mayor Friedman also noted that the Council is preparing and will advertise through the City Manager and Personnel Department for the position of Municipal Court Judge. This advertisement will be placed by Monday and the deadline will be two weeks to receive applications and resumes which will be August 23, 1976. The Council is also requesting help in this selection process from the Junior and Travis County Bar Associations.

PERMISSION TO HANG BANNERS

Councilmember Linn moved that the Council approve the request from Mr. Ken Pringle, Northwest Sertoma Club, for permission to hang banners at 1200 South Lamar and 25th and Lamar, August 30, 1976, through September 13, 1976, advertising Sertoma Poor Boy Arts and Crafts Fair. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro  
Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann  
Noes: None

APPEARANCE TO DISCUSS TAXI CAB UNIFORM ORDINANCE

Mr. Rick Hassan appeared before the Council to discuss the Taxi Cab Uniform Ordinance. Mr. Hassan stated that he is an employee of the Yellow Taxi Cab Company and was recently informed by the company that all of the employees would have to wear hats. He felt this requirement was burdensome and that wearing uniforms was not necessary.

MR. JOE TERNUS, Director of Urban Transportation, commented that the various franchise holders have the opportunity to submit to the Council for approval whatever would be an appropriate uniform. Mr. Ternus stated that the Urban Transportation Department had no definite stand regarding wearing apparel, but felt that whatever the franchise holder's contract was with the City should be upheld. In response to Mayor Friedman's question, Mr. Ternus felt that the franchise could be discussed with the company to see about some modification to the uniform requirement. Mayor Friedman felt that in this particular case, the franchise holder should be contacted to discuss this matter.

Councilmember Linn suggested that since the purpose of wearing the uniform was for identity reasons and felt that some type of identification worn on a person's body would serve the same purpose. Mr. Ternus stated that he would be glad to contact the Yellow Cab Company and discuss this matter with them.

#### APPEARANCE TO DISCUSS THE SETTING OF A PUBLIC HEARING ON AN APPROACH MAIN

Mr. Maury Hood, Vice President of Mayfield Companies, appeared before the Council requesting that a public hearing be set to consider an approach main to serve Lakewood and wastewater main to serve Twin Mesa; and that the public hearing be set on August 12, 1976. In response to Councilmember Hofmann's question, Mr. Hood commented that he would go before the Planning Commission and obtain their recommendation before appearing at the Council meeting again. He noted that he was scheduled to be heard by the Planning Commission on August 10, 1976.

Mr. Dick Lillie, Director of Planning, stated that he was doubtful that the Commission would look at an application the first time without previous data. He indicated that he would do everything possible to have all of the necessary information prepared for the Planning Commission meeting on the 10th.

Mayor Friedman suggested scheduling this public hearing at a later date in August to allow sufficient time for all of the necessary data to be reviewed. City Manager Davidson pointed out to the Council that a public hearing on this matter was not required.

Mayor Friedman stated that it would be placed on the Council Agenda for August 12, and if the Planning Commission reviews and has their recommendation ready for the Council meeting, then it will be considered on this date.

#### PUBLIC HEARING ON PROPOSED 1976-1979 WATER AND WASTEWATER BOND PROGRAM

Mayor Friedman opened the public hearing scheduled for 3:00 p.m. to consider the proposed 1976-79 Water and Wastewater Bond Program. He stated that this was another hearing concerning the Bond Program for Water and Wastewater and did not anticipate any Bond Election date being set today.

Mr. Don Walden, a member of the Environmental Board, presented the Environmental Board's review of the Water and Wastewater Bond Program. He noted that a subcommittee had looked at all of the projects and met with the staff to discuss them. Mr. Walden commented that the Board supported each and every project in the program, and pointed out that if this Bond Program does not pass, then there will be serious consequences for Austin. He stated that the Board voted to unanimously support each and every project on the Bond Program.

Mayor Friedman moved that the Council close the public hearing on the proposed 1976-79 Water and Wastewater Bond Program and place it on the Council Agenda for August 12, 1976, at 2:30 p.m. to consider this hearing again and to set an acceptable date for the Water and Wastewater Bond Election. The motion, seconded by Councilmember Hofmann, carried by the following vote:

Ayes: Mayor Friedman, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Hofmann, Lebermann, Linn, Trevino  
Noes: None

Councilmember Linn stated that there were several questions concerning this Bond Program that had been raised at a previous public hearing and she would like these questions investigated to obtain the answers before the hearing.

#### ZONING ORDINANCE

Mayor Friedman brought up the following ordinance for its first reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 17, AND THE NORTH 74 FEET OF LOT 18, BLOCK 1, (SAVE AND EXCEPT THE WEST 40 FEET WHICH SHALL REMAIN ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT), OUTLOTS 51 AND 52, DIVISION "B," CREST HAVEN SUBDIVISION, LOCALLY KNOWN AS 2108-2202 REDWOOD AVENUE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS. (Ella Pfeffer, Annie Kiecke, Henry Herring, Otto Lehman, Albert Brown, George Miller, May Olive Miller and Vivian Hubener, Joint Heirs of the Estate of Tollie Herring, C14-76-007)

The ordinance was read the first time, and Councilmember Himmelblau moved the ordinance be passed to its second reading. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Trevino  
Noes: Mayor Pro Tem Snell, Councilmember Linn, Mayor Friedman

The Mayor announced that the ordinance had been passed through its first reading only.

## ZONING ORDINANCE

Mayor Friedman brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 155.962 ACRE TRACT OF LAND; AND,  
TRACT 2: A 61.23 ACRE TRACT OF LAND; AND,  
TRACT 3: A 2.00 ACRE TRACT OF LAND; AND,  
TRACT 4: A 7.00 ACRE TRACT OF LAND; AND,  
TRACT 5: A 3.00 ACRE TRACT OF LAND;

FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 3501 ED BLUESTEIN BOULEVARD; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS. (East Industrial District [Motorola Tract], C14-75-126)

Motion

Mayor Pro Tem Snell moved that the Council deny the second and third readings of this ordinance. The motion was seconded by Councilmember Linn.

Substitute Motion

The ordinance was read the second time, and Councilmember Himmelblau moved that the ordinance be passed to its third reading. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Trevino, Hofmann, Mayor Friedman  
Noes: Councilmember Linn, Mayor Pro Tem Snell  
Abstain: Councilmember Lebermann

The Mayor announced that the ordinance had been passed through its second reading only.

AMENDING THE OPERATING BUDGET AND CAPITAL IMPROVEMENTS PROGRAM

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1975-1976, AND ORDINANCE NO. 750911-B, CAPITAL IMPROVEMENT PROGRAM BUDGET FOR 1975-1976, BY APPROPRIATING AND TRANSFERRING FUNDS TO THE CONTINGENCY/LOCAL OPTION FUNDS; AUTHORIZING AN INCREASE IN THE EXPENDITURE OF FUNDS FOR RENOVATION OF THE FAMILY OUT-PATIENT CLINIC; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Lebermann, carried by the following vote:

Ayes: Councilmembers Lebermann, Linn, Trevino, Mayor Friedman,  
Mayor Pro Tem Shell, Councilmembers Himmelblau, Hofmann  
Noes: None

The Mayor announced that the ordinance had been finally passed.

AMENDING THE OPERATING BUDGET TO ALLOW FOR POSITIONS IN WATER AND  
LIGHT DEPARTMENT

The Council had before it for consideration amending the 1975-76 Operating Budget to authorize twelve additional positions to the staff of the Water and Light Office. City Manager Davidson pointed out that this amendment is in connection with the Utility Budget and not the General Fund and recommended its approval. MR. MONTY NITTHOLAS, Director of Finance, explained the request to the Council and stated that these positions are requested in the budget for next year, but due to urgency of the situation, Mr. Nittholas felt they should be filled now. At the present time, the Water and Light Department is employing temporary help because there are no positions for them. In response to Mayor Friedman's question, Mr. Nittholas noted that additional telephones have been installed to expedite service to the customers, and with the extra people and upgrading the positions, the service should be improved. Mr. Nittholas noted that the normal personnel procedures would be followed in obtaining people for these positions as well as the Affirmative Action Program.

Councilmember Lebermann felt that this was a valid request and in order to aid in alleviating some of the problems in this department, this request should be granted. Councilmember Trevino did express concern that staff was being authorized before the budget has even been reviewed. Mayor Friedman felt that this request was definitely a priority.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 750925-D, ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR 1975-1976, BY INCREASING THE AUTHORIZED NUMBER OF POSITIONS IN THE WATER AND LIGHT OFFICE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann

Noes: None

The Mayor announced that the ordinance had been finally passed.

ORDINANCE PERTAINING TO CONSTRUCTION REQUIREMENTS IN URBAN SUBDIVISIONS -  
SIDEWALKS AND PUBLIC CROSSWALKS AND AN ORDINANCE PERTAINING TO  
CONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS, GUTTERS,  
DRIVEWAYS AND SETBACKS

MR. FORD SMITH, an independent gasoline marketer, referred to the Driveway Ordinance and Section 31-23(b)-10 pertaining to driveway approaches at intersections. Mr. Smith pointed out that there are many corner lots in the

City which average 100 to 150 feet and they need egress and ingress for many types of businesses. He felt that this Section of the Ordinance would restrict the use of certain properties to a great extent. Mr. Smith felt that this would limit the development of properties to large companies. Mr. Charles Graves, Director of Engineering, stated that this provision in the Ordinance is standard, and the procedure would be for a clerk to issue permits. If the permit application is outside these standards, then there is a provision for it to go to the Urban Transportation Department for review.

Mr. Joe Ternus, Director of Urban Transportation, referred to Section 31-16.3 of the Driveway Ordinance and stated that this section provides for the Director of Urban Transportation to establish geometric design standards in the review of driveways. Also in Section 31-21(1), Mr. Ternus noted that this section provides for the variances of these requirements set forth in the Ordinance. The purpose of this procedure that is enacted with this Ordinance is to allow a speedy process of driveway permits. City Manager Davidson commented that he felt with the involvement of the Urban Transportation Department and the Engineering Department that this Ordinance would provide for a much speedier process of handling driveway permits.

Mayor Friedman stated that he had received a letter from Mr. Ken Zimmerman, Executive Vice President of the Austin Association of Builders, which stated the following:

"Dear Mayor Friedman and Members of the Council:

Again, I want to thank you, City Manager Davidson, City Engineer Charles Graves and his assistant, Mr. Walt Boettcher, for the willing and professional cooperation extended me in efforts to resolve differences of opinion concerned with the proposed Sidewalk, Driveway, Curb and Gutter Construction Ordinance.

Subsequent to the recent Council Meeting when you extended a breather for further study, before the Second Reading, Mr. Graves, Mr. Boettcher and I did have a meeting and I believe we were able to clarify several points of doubt.

In all candor, I must say that we were unable to agree on the necessity for the ordinance, but from the City administration's viewpoint, I believe you will find it deserves passage. And, I believe that the members of this association will find it is now a more agreeable regulation than it was at the First Reading."

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 41-42 OF CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN, 1967; ESTABLISHING GENERAL SIDEWALK LOCATION REQUIREMENTS; DELETING THE REQUIREMENT OF LETTERS OF CREDIT FROM SIDEWALK REQUIREMENTS REGARDING SUBDIVISIONS INSIDE THE CORPORATE LIMITS OF THE CITY OF AUSTIN; ESTABLISHING A TIME LIMIT FOR THE INSTALLATION OF REQUIRED SIDEWALKS; DIRECTING ACTION BY THE PLANNING COMMISSION REGARDING DECISIONS BY IT CONCERNING SIDEWALK LOCATION; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 31, ARTICLE II, CONSTRUCTION AND REPAIR OF SIDE-WALKS, CURBS, GUTTERS, DRIVEWAYS AND SETBACKS, OF THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING CERTAIN AUTHORITY AND DUTIES FOR THE DIRECTORS OF PUBLIC WORKS, URBAN TRANSPORTATION AND ENGINEERING; PROVIDING FOR CONSTRUCTION PERMIT FEES AND CONTRACTOR LICENSING FEES; PROVIDING FOR THE PERMIT APPLICANT TO FURNISH CONSTRUCTION PLANS AND RELATED SURVEYING; SETTING OUT MINIMUM BOND REQUIREMENTS; PROVIDING FOR THE ACCEPTANCE OF CONSTRUCTION BY THE DIRECTOR OF ENGINEERING BEFORE RELEASE OF THE CERTIFICATE OF OCCUPANCY; PROVIDING FOR DESIGN, CONSTRUCTION, AND INSPECTION STANDARDS REGULATING CURB SETBACKS AND CUTS; PROVIDING FOR THE MAINTENANCE AND REPAIR OF CONSTRUCTION IN THE PEDESTRIAN WAY BY THE ABUTTING PROPERTY OWNER; PROVIDING A PENALTY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Linn moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Friedman, Mayor Pro Tem Snell,  
Councilmembers Himmelblau, Hofmann, Lebermann, Linn  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### AMENDMENT TO SWIMMING FEE ORDINANCE DELETING "NON-RESIDENT" FEES

Councilmember Hofmann stated that she and Councilmember Trevino had requested that consideration of this item be placed on the Agenda today and felt that the "non-resident fee" should be deleted since the non-resident golf fees were abolished and the revenue being received from the non-resident fees is minimal.

Councilmember Himmelblau stated that she could see no reason why those who live outside the corporate limits should not have to pay for the swimming lessons. Councilmember Hofmann felt that this was a very important part of the program and did not want to delete it.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 24-2.1(b) OF THE AUSTIN CITY CODE OF 1967 BY AMENDING ORDINANCE NO 760311-G BY DELETING ADDITIONAL SWIMMING FEES CHARGED NON-RESIDENTS; AND SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS.

Councilmember Hofmann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Hofmann, Lebermann, Linn, Trevino

Noes: Mayor Friedman, Councilmember Himmelblau

The Mayor announced that the ordinance had been finally passed.

ORDINANCE PROHIBITING SMOKING OR EATING IN PUBLIC AREAS OF BRACKENRIDGE HOSPITAL OR HEALTH CLINICS

Councilmember Himmelblau stated that consideration of this item should not have been placed on the Agenda for today's Council meeting.

SETTING PUBLIC HEARING ON NEW ELECTRIC RATE STRUCTURE

Mayor Friedman stated that the Mayor's Commission on Electric Rates had informed him that they are very near to completing their final report on the electric rates and should be ready for the public on August 12, 1976.

Mayor Friedman moved that the Council set a public hearing on the New Electric Rate Structure on August 12, 1976 at 3:00 p.m. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman

Noes: None

EMERGENCY ITEM - ORDINANCE DESIGNATING COUNTY COURTHOUSE AS POLLING PLACE

Mayor Friedman noted that he had been informed that the polling place #338 located at Pease School cannot be used and Judge Renfro stated he would be happy to provide the County Courthouse for the polling place.

Mayor Friedman introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760721-A BY CHANGING A POLLING PLACE; AND DECLARING AN EMERGENCY.

Councilmember Lebermann moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Linn, carried by the following vote:

Ayes: Councilmembers Himmelblau, Hofmann, Lebermann, Linn, Trevino, Mayor Friedman, Mayor Pro Tem Snell

Noes: None

The Mayor announced that the ordinance had been finally passed.

## ANNOUNCEMENT

Mayor Friedman announced that the Council would meet in an Executive Session prior to the Council meeting on August 12, 1976 at 9:00 a.m.

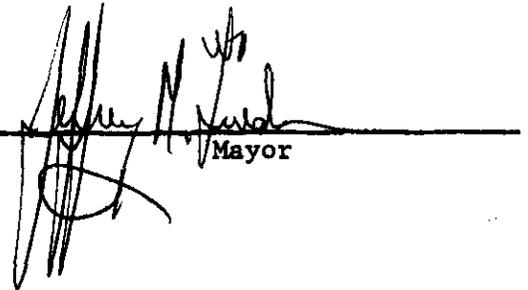
## ITEM WITHDRAWN

The Final Report of Committee to establish a Revolving Fund for Historic Preservation, as an item was withdrawn.

## ADJOURNMENT

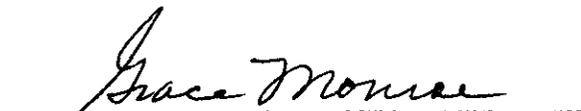
The Council adjourned at 3:45 p.m.

APPROVED



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Clerk